

women with various mental problems who were placed in proximity with what had been described as high functioning males. They were repeatedly sexually assaulted. Employees and others did nothing apparently to prevent this kind of mistreatment. A department which operates such a facility was able to prevail upon the Health and Human Services Committee that they are in such compliance with federal requirements, so circumspect in discharging their duties that there would be a mistake committed by the Legislature to even make a reference in statute to the Americans With Disabilities Act. If they are in full compliance, what do they fear? Why is it that the Governor, not only of this state but the Governor of states throughout the country, are talking about so-called unfunded federal mandates, get the federal government out of the states' business, reinvent Amendment 10 of the U.S. Constitution and argue the whole issue of so-called states' rights again. The federal government had to intrude into the activities of the states because the responsibility of the federal government is to the citizens of the United States and not the states. The states are not on an equal footing with the federal government. Powers were ceded to the U.S. government by the states in order that it would do those things and protect the rights of citizens in a way that the states could not and would not. We are dealing with people, who have disabilities, in this bill before us this morning. The federal government has seen the necessity to put into federal law certain protections of those people and requirements on others because the states would not do what was necessary to be done to protect and ensure the rights of citizens and residents of the states. Not only on this bill but others am I going to oppose that simplistic and simpleminded appeal to states' rights made by people who don't even understand the dynamics of federalism,...

PRESIDENT ROBAK: One minute.

SENATOR CHAMBERS: ...who don't recognize that this is a representative form of government, who have failed to see that local biases, local prejudices, local discriminations are the very things that have led to the enactment of federal laws. I think it would be a mistake to take this reference from this bill. It is not going to hurt anything. If the Department of Public Institutions has convinced the committee that it's in full compliance, why then is the committee so anxious to remove this reference? This reference cannot place any additional responsibility on DPI. It's already in full compliance. But